

REMARKS

Applicants reply to the Final Office Action dated October 19, 2009 within two months. Claims 1 and 29-51 are pending in the application and the Examiner rejects claims 1 and 29-51. Applicants present claim amendments with this Reply and respectfully submit that the amendments find support in the specification, claims and drawing figures as originally filed in this or parent applications. For example, Applicants point the Examiner to ¶¶ [0154]-[0160] of the published application as support for the amendments. Reconsideration of this application is respectfully requested.

The Examiner rejects claims 1 and 29-51 under 35 U.S.C. § 102(e) as being anticipated by Pare, et al., U.S. Patent No. 5,870,723 (“Pare”). With respect to claims 1 and 29-50, Applicants respectfully disagree with the Examiner’s rejection, but present claim amendments to clarify the patentable aspects of the claims and to expedite prosecution. Applicants respectfully traverse the rejection of claim 51.

Applicants thank Examiner Kamal and Supervisory Patent Examiner Fischer for the interview conducted on December 8, 2009. In the interview, Applicants’ counsel discussed the differences between the claimed invention and Pare, and **the Examiners agreed that differences exist**. However, the Examiners requested amendment of certain aspects of the claims in order clarify the discussed differences. Applicants submit that the amendments presented with this Reply clarify the discussed differences and therefore respectfully request reconsideration. **The Examiners indicated that these clarifying amendments may not require a further search, so an RCE is not being filed with this Reply.**

Turning now to the rejections based on Pare, Pare generally discloses a “method and system for tokenless authorization of commercial transactions between a buyer and a seller . . . the buyer signals his acceptance by entering his personal authentication information comprising a PIN and at least one biometric sample . . . If the computer system successfully identifies the buyer, a financial account of the buyer is debited” (Abstract). “During registration, the buyer enters both a primary and secondary registration biometric sample” (col. 26, lines 45-46). Pare’s system “compares each record’s primary registered biometric sample with the buyer’s bid biometric sample arriving at a comparison score indicating the similarity of the two biometrics. If no biometric has a close enough comparison score, the comparisons are repeated using the

registered secondary biometric samples” (col. 36, lines 19-25). Thus, Pare’s secondary biometric sample is just a backup in case the primary biometric sample cannot be read.

For at least that reason, Pare does not disclose or contemplate, “comparing the transaction biometric sample data to the first biometric sample data and the second biometric sample data to determine whether to assess the transaction value against the first account or the second account” as recited in independent claim 1, and as similarly recited in independent claims 48, 49 and 50.

With respect to independent claim 51, Pare does not disclose or contemplate a number of elements. In rejecting this claim, the Examiner merely cites to block portions of Pare without providing support for the particular elements that are rejected. Applicants, however, cannot find support in these sections of Pare or in other sections of Pare for certain elements in claim 51. For example, Pare does not disclose or contemplate, “assessing the transaction value against the third account value in response to a third account condition being met, wherein the first set of account rules includes the first account condition and the third account condition” as recited in claim 51. In rejecting this element, the Examiner cites “see abstract, figures, 8, 18, column 1, lines 12-60, column 4, lines 14-67.” Applicant respectfully submits that none of these sections (or other sections) of Pare disclose or contemplate the above-listed element. Therefore, if the Examiner maintains the rejection based on Pare, Applicants respectfully request clarification, with specific citations to Pare, as to why Pare anticipates the claims.

For at least the reasons listed above, Applicants respectfully submit that independent claims 1 and 48-51 are allowable over Pare.


Dependent claims 2-47 depend from independent claim 1 and are allowable at least for the reasons stated above for differentiating claim 1, in addition to their own unique features.

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In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited reference. Accordingly, Applicants respectfully request a Notice of Allowance. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: 12/14/09



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